

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER PHAOUTHOU,

Plaintiff,

v.

E. YUEN,

Defendant.

Case No. [14-cv-02427-DMR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

Plaintiff filed the present *pro se* civil rights action under 42 U.S.C. § 1983. Plaintiff filed an amended complaint, which is the operative complaint. Dkt. 5. Both parties have consented to magistrate judge jurisdiction in this matter. Dkt. 5 at 4; Dkt. 19.

On February 1, 2016, the court denied Defendant's motion for summary judgment, and referred this matter to Magistrate Judge Nandor Vadas for settlement proceedings. Dkt. 23 at 12.

On February 17, 2016, mail directed to Plaintiff by the court was returned to the Clerk of the Court with a notation that it was undeliverable because Plaintiff was "NOT IN CUSTODY." Dkt. 24. To date, Plaintiff has not updated his address with the court or submitted any further pleadings in this case. In addition, Magistrate Judge Vadas's chambers staff has informed the court that without Plaintiff's updated address, they have been unable to contact him to schedule settlement proceedings.

Pursuant to Northern District Local Rule 3-11 a party proceeding *pro se* whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. *See* L.R. 3-11(a). The court may dismiss without prejudice a complaint when:

(1) mail directed to the *pro se* party by the court has been returned to the court as not deliverable,

1 and (2) the court fails to receive within sixty days of this return a written communication from the
2 *pro se* party indicating a current address. *See* L.R. 3-11(b).

3 More than sixty days have passed since the mail directed to Plaintiff by the court was
4 returned as undeliverable. The court has not received a notice from Plaintiff of a new address.
5 Accordingly, the amended complaint is DISMISSED without prejudice pursuant to Rule 3-11 of
6 the Northern District Local Rules. The Clerk shall enter judgment, terminate all pending motions,
7 and close the file.

8 IT IS SO ORDERED.

9 Dated: April 29, 2016



DONNA M. RYU
United States Magistrate Judge

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